(1)

Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No.

In The

Supreme Court of the United States

In re 04PR 625 Estate of Dolores Ligon, decd.,

Pamela Pratt, ***Pro Se*** Petitioner,

v.

Sandra Pratt, Executor, Respondent

On Petition for A Writ of Certiorari to
the Supreme Court of the State of Colorado

PETITION FOR WRIT OF CERTIORARI

Miss Pamela J. Pratt, ***pro se***
301 Victor Ave. #3 (no mail
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Rule 14.1(a) QUESTION PRESENTED FOR REVIEW

1) Why can't the Magistrate in El Paso County see to it that I get my Medicaid Hardship Waiver money? Are the Event Comments really an order to my sister from the Court? Has the Magistrate led my sister to believe that she can keep that Medicaid money?

2) If the State waives part of a Medicaid bill, what can be done to see the money used for its intended purpose? Are people who qualify for a Medicaid waiver capable of representing themselves? Has the Court been able to do this, or should it be done by a State agency?

3) Why was the attorney paid out of Medicaid hardship money, rather than taking the lawyer's fees out of the original estate? Is the State of Colorado simply making a big pot of Medicaid money available to attorneys?

Rule 14.1(b) LIST OF PARTIES

(1) My sister Sandra Pratt is the executor of my mom's estate, and when the magistrate had my sister's attention a year ago, nothing was done. The magistrate encouraged my sister to ignore me during the first hearing, which was "not transcribable" (Appendix D), where I was told to be ashamed of myself. My sister did not respond to my last two appeals, and she was not available for the most recent hearing. She may have retired early on a State pension. She told the Magistrate at the hearing before last that she was willing to comply with the Court IF AN ORDER WAS ISSUED, but that she was unwilling to send me money on her own initiative. The Magistrate has still not sent the Order that was ordered by the Court of Appeals, and a copy of the Events Comments (Appendix I) are not good enough.

(2) The Supreme Court of Colorado denied by petition to have my sister's lawyer remedy his fees.

(3) The Court of Appeals wrote a great paper that fixed half the problem, even though the El Paso County Probate Court Magistrate hasn't followed up on that order given six months ago, so I had to appeal again, and they refused to have the attorney take his fees out of the original estate instead of from the Medicaid money.

(4) So I called the Supreme Court Attorney Regulation Council (877-888-1370) and they called the Magistrate and told me there was nothing I could do but appeal again.

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Rule 14.1(d) CITATIONS OF THE OFFICIAL AND UNOFFICIAL REPORTS OF THE OPINIONS AND ORDERS ENTERED IN THE CASE BY COURTS OR ADMINISTRATIVE AGENCIES

1) Colorado Supreme Court CERTIORARI TO THE COURT OF APPEALS Order of the Court dated JUNE 11, 2007. [Appendix A.]

2) Colorado Court of Appeals Mandate dated June 14, 2007. [Appendix B.]

3) Colorado Court of Appeals ORDER AFFIRMED IN PART, REVERSED IN PART, AND CASE REMANDED WITH DIRECTIONS dated March 8, 2007. [Appendix C.]

4) SWORN AFFIDAVIT OF B&M LEGAL TRANSCRIPTION, LLP dated January 17, 2006. [Appendix D.]

5) ORDER FOR FINAL SETTLEMENT AND DISTRIBUTION dated October 7, 2005. [Appendix E.]

6) Letter from State of Colorado Department of Health Care Policy & Financing dated February 28, 2005. [Appendix G.]

7) Letter from Health Management Systems Estate Recovery Program dated March 15, 2005. [Appendix H.]

8) EVENT COMMENTS of El Paso County District Court dated July 19, 2007. [Appendix I.]

9) The Attorney Regulation Council called to say the Magistrate had complied and that my sister was not responding, but the judge had encouraged her not to respond during that hearing that went missing by Appendix D.

Rule 14.1(e) BASIS FOR JURISDICTION IN THIS COURT

14.1(e)(i) My case is CASE NO. 07SC261 Supreme Court, State of Colorado, DENIED on JUNE 11, 2007.

14.1(e)(iv) Because of Rule 10(c) that "a state court . . . has decided an important question of federal law that has not been, but should be, settled by this Court" since it's Medicaid money, and the State of Colorado should be honest about giving it to lawyers who don't follow the agency's directions.

I called the Supreme Court Attorney Regulation Council (877-888-1370) to tell them about the Magistrate, and they gave me a case number 05-2941 and 07-2673, then and they asked to send a letter (Appendix J). The Council said that the Magistrate HAD COMPLIED by mailing a copy of the Events Comments to my sister 49 days later, as though they were an Order.

There's no way my sister will believe Appendix I is an order, especially since the Magistrate actually encouraged her to keep that Medicaid money away from me. There was no fairness issue here. That money was not supposed to be kept by my sister. The Court of Appeals agreed, so where's the money? The Attorney Regulation Council says it's not the Magistrate's fault that my sister is not obeying the Court anymore, but that judge led her to it, and I believe the Magistrate caused this problem, even though it was done to preserve the appearance of fairness.

However, where that Medicaid money goes is not a fairness issue, and so it seems to be my duty to write this petition.

14.1(f) Colorado Revised Statutes 25.5-4-302 Recovery of assets: Appendix F.

14.1(g) STATEMENT OF THE CASE

I wrote to my sister's lawyer, I wrote a letter to the judge, I showed up for seven hearings, and I wrote a paper to the Court of Appeals and to the Supreme Court of Colorado to tell them that the directions in the Medicaid letter (Appendix G and H) were not followed by my sister or her attorney, and the attitude here is years behind the curve of the Recovery Initiative. There are so few AAs here that it breaks my heart. They don't call this the Hate State for no reason, so I'm glad to have done some decent service work while waiting for the Magistrate's probate Court, still surprised that some folks are unable to recognize and appreciate us good sober people doing our service work for AA.

On page 10 of the Court of Appeals decision (Appendix C, p. 27), it said,

> "Because she [Pamela] did not raise the issue, we do not address whether she would be entitled to a larger amount if her share of the estate were based on subtracting legal and administrative expenses from the gross estate, and then setting aside her one-fourth interest, before payment to the Department."

But I raised the issue on p. 10 and p. 14 in my Court of Appeals brief, and copied the same paragraphs:

> The Court of Appeals decision stated, "A personal representative is entitled to reimbursement *from the estate* for reasonable attorney fees. . ." p. 11, (my emphasis, full text in Appendix C(1)), so Your Honors may see that this money was not intended to be drawn from the Hardship Waiver portion, and I raised this issue in my brief under the STATEMENT OF THE ISSUES PRESENTED FOR REVIEW (sub 2) and in my STATEMENT OF THE CASE (sub 7, p. 9-10), quoted from the Court's transcript,

"all the attorney's fees that my sister has accrued by trying to prevent me from receiving the waiver should be refunded and paid by my sister for my sister's attempt to thwart the intention of the estate [I said "Legislature," but good help is hard to find] in keeping me off welfare. I would really like to get back to work, but I need a place to live to do that. Since my family shut the door in my face, I figured that they can pick up the attorney fees. I am very willing to allow Mr. Goldberg to take his reasonable . . ."

THE COURT: Let me just tell you that under the law, and the actual citation and name of the case escapes the Court today, but there is a Colorado supreme [sic] Court case that indicates clearly that this Court is not permitted to make inquiries into attorney fees in estate matters absent unusual circumstances."

Do Your Honors agree with this? See Appendix C(3) Colorado Revised Statutes 25.5-4-302. I pray to you to hear from me further.

My appeal to the Colorado Supreme Court also includes the story about my mom's old lawyer, so I put it in Appendix K. The Magistrate encouraged my sister to keep that Medicaid money for herself [Appendix D], and blames me for her now ignoring the Court. I'm not the bad guy here. The Court should have to do its job right.

14.1(h) ARGUMENT FOR ALLOWANCE OF THE WRIT

Should the State of Colorado be allowed to see Medicaid money disappear? I believe the burden is on me to complain as best I can.

When my mom died, the State of Colorado's Estate Recovery Program decided that without an inheritance, I would remain homeless. I got that rare Medicaid Hardship waiver, but my family took the money instead of sending it to me, so I was forced to appeal. Most folks who qualify for that hardship exemption would not have been able to pay the $150 to the Court of Appeals to overturn the Magistrate, either. I was very lucky with that.

My sister Sandra and I are third-generation Adult Children of Alcoholics. As children, we were in cruel competition for our parents' affection, and I am the only member of my family lucky enough to have become a member of the 12-Step Recovery movement. The rest of them are struggling to "keep the family together," and blame me for "saying bad things about the family." This is a prime symptom of a dysfunctional family in denial.

The Magistrate told me in the most recent hearing (Event Comments "Minutes" in Appendix I) that my sister "didn't want to be the executor in the first place," as though that made it okay for her to keep that Medicaid money. The Magistrate tried to shame me for being "a troublemaker" in the family, but that's not true. It's the family that's trouble, and my responsibility today is to recover from that. My brother was willing to be the executor, and the attorney was paid well to do a bad job of it.

Anyway, I've spent a lot of time thinking about this Medicaid waiver and it seems to me that the State of Colorado just wants to use Medicaid money to pay lawyers. It would be okay if the lawyers did an honest job, but that didn't happen with this, and the Magistrate denied my motion to correct the attorney fees with the help of the Medicaid agency. The letter from the Medicaid waiver agency said,

> "In the event that there are not enough assets to pay the three fourths of the claim amount in full, ($46,736.99) please provide this office with the details as to the assets and expenses/claims of this case. Upon successful review of the documentation of assets and priority claim and expenses our claim will be reduced to three fourths of the net assets in the estate." (Appendix H).

My sister testified before the Court that she would not give me the Medicaid Hardship Waiver granted by the State of Colorado because it would "not help straighten out" my life, and the magistrate "empathized" with her, although that proceeding was "not transcribable" upon appeal. ("There is no evidence in the record to substantiate this claim" from Appendix D).

I showed up in Court EIGHTEEN YEARS SOBER to ask why I'd been shut out, which is common behavior in dysfunctional families when one member decides to get well. I was asked me to step outside for ten minutes while the Magistrate talked to my sister, and I was willing because they were taping the hearing, but the tape failed (Appendix D), and when I came back into Court the mood has changed dramatically.

I suggested to the Magistrate that she suggest that my siblings attend Adult Children Anonymous or Al-Anon or Alcoholics Anonymous as a remedy, but the Magistrate ignored me, and then failed to see to the mandate issued by the Court of Appeals, and now says it is my fault my sister is no longer responding. But the Magistrate led her to it, and I believe it is within the Court's power to ask that attorney to ask the State agency to fix this.

My sister Sandra is still acting out the dysfunctional behavior learned in my family-of-origin, and it violates my right to be treated fairly by the Court when the Magistrate fails to understand the dynamics of sick family systems. Here

in the Hate State, families are thought of as sacred, but the truth is that they are as sick as their secrets.

> "Many adult children arrive at their adult years with an over-developed sense of responsibility, which they communicate as love or nurturing care. This behavior is a disguise to get the love we never received as children." (P. 7, Adult Children: Alcoholic/Dysfunctional Families, Adult Children of Alcoholics World Service Organization, 2006.)

I have never been on Welfare because I work, and have supported myself all my life. Unfortunately, my homelessness was caused BY SOMEONE ELSE'S DRINKING, and so I am an eager Al-Anon member. Al-Anons don't like ACA because they don't want us bringing up what happened to us as children, but ACA is the future, even though prejudice against us still exists. We view Al-Anons as part of the problem!

We don't join the Program to get rich or better-looking, but to serve the 12-Step community. I have been an active, outgoing member of my Home Group, and believe that watching other people get sober is a great service. My dysfunctional family believes this to be a shame, which is why when people say "family," I say "roadkill." Serving AA is a privilege, but my sick family thinks I'm "wasting my time with losers."

I am a cleaning lady by profession, and do part-time construction work, which I am pretty good at, and my Home Group says Recovery means being responsible and working.

My boss put the house we've been building up for sale last week, and he offered me a new deal. Instead of working for $8/hr part-time (less my $500/month rent utilities included), he'll pay me $17/hr full-time, but I'll only get paid when the house sells. He has two other houses on the market and we're starting a new one next week. There have been other odd jobs in the meantime, and there's more work

available in the Spring, so this is now a real opportunity, but I'll need that hardship waiver money to get by this winter. So I hope the Magistrate will get after my sister.

Since I have never been in trouble with the Law, and have never given my family cause to shut me out other than my STAYING SOBER, I do not believe the State of Colorado should be allowed to treat me as though I were not a good citizen, since IT'S NO CRIME TO BE POOR. I do honest work for an honest dollar.

My boss is a retired genius carpenter, and I'm just a carpenter's helper, but I'm well on my way to becoming a real tradesperson, and am grateful for the opportunity to apprentice in the building trades. I was a technical theatre major in college and learned basic carpentry, but have only worked as a plumber's helper since.

Then my common-law husband in Seattle was a Union plumber, but he retired early to resume his drinking career, and when my mom died he wrote me an eviction note.

There's no work in the State of Washington, but there's plenty of work in Utah and Colorado, and you need a place to live to work. My dream is that people who buy RVs and get tired of them could sell them back to a Federal agency so they could afford to buy new ones. Then people on Welfare could have their payments sent to the Federal agency to get a used RV for a year or two, and have the RV parks like Eagles' Landing here licensed to sign their compliance slips. We firmly believe in this.

It's really hard to work without a place to live, so my group members are wishing for some help getting an RV buy-back program going, where worthy members get a Safeway gas card and a used RV on loan to go across this great country to find work.

This State is begging for workers, and back home they're begging for work. All they need is a place to live. The main cause of homelessness is dysfunctional families who shun a family member in the name of "love." In Adult Children Anonymous, we learn that the usual outcome of

joining a 12-Step Recovery Program is getting shut out of the family unit.

The family can be like a terrorist organization – the children are told to keep secrets, create a false self, hide their emotions and learn a variety of bad behaviors that follow them for a lifetime, dysfunctional behavior that the adult children then perpetrate on others, especially at the workplace.

My family hasn't wanted me around since I joined AA. They all drink and it's hell having a sober person spoiling the party.

When a local Magistrate "empathizes" with having a "troublemaker" in the family, the State must recognize that a dysfunctional family cannot be asked to distribute worthy Medicaid hardship waivers, since that family was the direct cause of a needy SOBER person's homelessness.

I was given two $500 payments and one $630 payment over the course of six months, which was not enough to get me into an apartment. It was interesting trying to work while living in homeless shelters in Seattle, but I found it impossible without Welfare, and we in Recovery do not believe in Welfare.

The title of the book is "Alcoholics Anonymous: How Many Thousands Have Recovered from Alcoholism," and my home group in Seattle believes that we are able to work now that we no longer drink or use drugs. My dysfunctional family has told me they believe AA is "a cult" and believe alcoholism is a "mental illness" treatable by drugs.

Rich kids go to Mental Health and poor kids go to jail, which is why most AA members are from poor families while the rich kids can't seem to stay off the booze and drugs. I was lucky – I got away from my dysfunctional family as soon as I graduated from school and found an AA Home Group. I've been straight and sober for 20 years, no thanks to my family-of-origin, who suffer from the effects of growing up in alcoholic homes.

The workaholic, the sexual harasser, the chronic liar, the cheat and the thief, all learned this behavior from dysfunctional families, and were taught this AS A VIRTUE.

My siblings believe that I have "betrayed the family," and the Recovery literature is clear that this thinking is not healthy:

> As helpless children we took on the characteristics of the disease. Out of necessity and a desire to survive we made adjustments to the family drama. We began to experience guilt and shame about the family illness. We were victimized on a daily basis with physical or verbal abuse, unwarranted and inconsistent punishment and a litany of hundreds of critical observations such as "Shame on you," "How can we love anyone who does that," "You'll just drive your father to drink if you do that," "God won't love you if. . .," "You shouldn't feel that way."
>
> As children we were absolutely unable to see what was really going on. We couldn't see that we were in no way responsible for our parents' drinking or other destructive behavior. The responsibility rested squarely with them. We didn't cause their alcoholism, we couldn't control it (God knows we tried!), and we certainly couldn't cure it. In all probability their sick and distorted reactions to life came directly out of their own painful, distressing upbringing. They too were victims. They were merely passing along their sick heritage. In the family dynamic the whole family enables and covers for the alcoholic in hopes that they will change. Eventually many AcoAs shut down, detach and accept at the core of their being that they were the cause or contributing cause of the family illness. -- The Laundry List: The AcoA Experience by Tony A. (founder of ACA), Health Communications, Inc., 1991, p. 99-100.

I'm still pretty shocked at how the Magistrate talked to me at the first hearing, and the second hearing's transcript is in the Record On Appeal. My hope is that the Magistrate will change her mind about people in Recovery. There still aren't enough of us, but we're working on that. We need the Court's help in sending us new people, since they usually don't come on their own. But once they get here, they learn to love us.

It is my real hope that soon our courts will find jurisdiction to court-order dysfunctional people to our meetings, just as DUI courts send killer drunks to AA. We are so few still, but we are growing. I have been told that ordering a battered spouse to Al-Anon is "re-victimizing the victim," but the batterer lets them out of the house for the meetings, and believes Al-Anon teaches them to be a better spouse, so everyone wins.

At the meetings, we don't care if the court-ordereds belong there or not. We welcome their warm bodies as an audience for our stories, which home group members are usually tired of hearing. Anyone is welcome. We have no secrets and no more shame. Please come.

I can't do the legal stuff for this petition, but I really tried. It just seems that for $28,000 my sister's lawyer could have figured out how to take his money out of the estate before taking it away from me.

So I'm still working away at supporting myself, and as long as my car holds out, I'll be okay. Living up here in Victor had done good things for my lungs, which got injured in an industrial accident at work in Seattle back in 2000, when a co-worker intentionally gassed me with ammonia and bleach over a workplace dispute. I cough a lot less, and now have earned a good reputation here working part-time construction. But the snow is on the way and there's no heat in the cheap room I rent, so I really need that hardship money now. Well, there's always Welfare. . . .

My mom's will had asked that "Probate of my estate be conducted as an administrative, not a judicial, proceeding"

but it went to Court because she had filed a previous will, mentioning her second husband who was rich from Texas oil money – listed on my sister's inventory as "Working interest in TJ Moss and other mineral lease" – but declared worthless because the wells were capped with concrete the day after the 1973 oil embargo to keep American oil under American soil. I don't think my sister knows anything about the trust because she had left home before Rita Ligon died (Appendix K), whose oil money is referred to in the Certified Record On Appeal on several pages describing my sister's lawyer's fees for getting renunciation letters that were paid for out of my Medicaid waiver.

My mom was supposed to inherit half of a huge trust fund but the trust fund's lawyer (Karl Ross, still active after all these years) made my mom sign some papers cutting her out in order for us kids to inherit. Ross sold 48 acres of the ranch to a guy who just sold it to Wal-Mart for 3 million dollars, and now I'm going to be shopping at my favorite store right on the spot where my horse Echo was born and died.

I don't believe that lawyer (Ross) had permission from Rita's son to sell that part of the ranch where I spent my High School years fishing and riding my horse – because Rita's son (my mom's husband) died of a heart attack in the driveway of the ranchhouse a year *after* the trust (Ross) had sold it.

Anyway, I can't get a copy of any of those papers, even after calling all the government record agencies. They all say I must ask the El Paso County Probate Court to get those records, and the Magistrate has me on her "do not respond" list.

I wrote letters to my sister's lawyer about that trust fund, but he had the bank write letters of renunciation and had my mom's other will quashed and got paid for it out of my Medicaid hardship exemption. The lawyer's charges for those letters of renunciation are listed in the Certified Record on Appeal

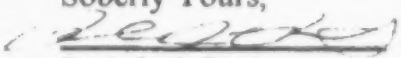
My mom also asked that her "funeral expenses shall be held to the barest minimum possible" and my siblings bought 52 gallons of wine, along with house drinks, for the reception on my 17th AA birthday.

So why was my mom on Medicaid if her second husband had been a multi-millionaire? Ross hated her because she was Catholic, and if the trust is no longer active, just ask my sister where those oil leases listed in her Inventory came from. There are others still receiving money from it – my step-cousins, but my sister just wanted to "leave the past behind." She can afford to, and my other siblings have plenty of money, too. And they want nothing to do with any of the false accusations that Ross made against my mother. He told me two years ago that if my step-dad had lived another 30 days, he [Ross] would have divorced my mother by interlocutory decree! My siblings can't handle the stress of the past, but in ACA we consider this to be therapy.

So thanks for listening, but I have to go back to work now. I just thought it was my obligation to have that Medicaid money go to the right place instead of into the pockets of unhelpful Colorado lawyers. That Medicaid waiver program is a great way to help the homeless. Just so you know, it was so cold in Victor last winter that we saw some lawyers with their hands in their own pockets!

Thank you for your patience with this petition. Please do whatever you can to help. I swear this is all true to the best of my knowledge.

Soberly Yours,



DATE: September 10, 2007

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Enc Notarized Declaration of Service

Rule 14.1(i) APPENDIX

A. Colorado Supreme Court CERTIORARI TO THE COURT OF APPEALS Order of the Court dated JUNE 11, 2007.....P. 18
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K. Letter to lawyers.....P. 41
L. Letter to El Paso County Court dated May 24, 2005. .....P. 43

APPENDIX A

CASE NO. 07SC261
SUPREME COURT, STATE OF COLORADO
TWO EAST 14TH AVENUE
DENVER, COLORADO 80203

CERTIORARI TO THE COURT OF APPEALS, 05CA2442
DISTRICT COURT, EL PASO COUNTY, 04PR625

In re the Estate of Dolores Ligon, deceased.
Petitioner: PAMELA JENNISON PRATT
v.
Respondent: SANDRA PRATT, Executor.

ORDER OF THE COURT

Upon consideration of the Petition for Writ of Certiorari to the Colorado Court of Appeals and after review of the record, briefs, and the judgment of said Court of Appeals,

IT IS THIS DAY ORDERED that said Petition for Writ of Certiorari shall be, and the same hereby is, DENIED.

BY THE COURT, EN BANC, JUNE 11, 2007.

[seal of the Supreme
Court State of Colorado]

Copies mailed via the State's Mail Services Division on 6-11-07 vmc

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Clerk of Court
Colorado Court of Appeals

APPENDIX B

COLORADO COURT OF APPEALS COPIES MAILED TO
2 East 14th Avenue, Suite 300
Denver, Colorado 80203

~~COUNSEL OF RECORD~~
Tr. Ct. ~~Judge~~, Clerk
AND [initials Pwse?]
ON 6/14/07
BY [initials db?]

District Court of EL PASO COUNTY
2004PR625
Honorable BARBARA L HUGHES,
MAGISTRATE, Judge
In the Matter of the Estate of
DOLORES LIGON, DECEASED,

Court of Appeals Case
Number: 2005CA002442

and

PAMELA JENNISON PRATT,
APPELLANT

v.

SANDRA PRATT, EXECUTOR,
APPELLEE

MANDATE

This proceeding was presented to this Court on the record on appeal. In accordance with its announced opinion, the Court of Appeals hereby ORDERS:

ORDER AFFIRMED IN PART, REVERSED IN PART, AND CASE REMANDED WITH DIRECTIONS.

JOHN P. DOERNER
CLERK OF THE COURT OF APPEALS

By: /s/ Donita Harvey
Deputy Clerk

DATE: June 14, 2007

APPENDIX C

COLORADO COURT OF APPEALS
Court of Appeals No.: 05CA2442
El Paso County District Court No. 04PR625
Honorable Barbara L. Hughes, Magistrate

In re the Estate of Dolores Ligon, deceased.
Pamela Jennison Pratt,
Appellant,
v.
Sandra Pratt, Executor,
Appellee.

ORDER AFFIRMED IN PART, REVERSED IN PART, AND CASE REMANDED WITH DIRECTIONS

Division III
Opinion by: JUDGE TAUBMAN
Webb and Román, JJ., concur

Announced: March 8, 2007

Pamela Jennison Pratt, Pro Se

No Appearance for Appellee

Pamela Jennison Pratt appeals the trial court's order for final settlement and distribution of the estate of Pamela's mother, Delores Ligon, as executed by her sister, Sandra Pratt. This case involves the interpretation of the recovery of assets provisions of the Colorado Medical Assistance Act and related provisions of the state probate code. We affirm in part, reverse in part, and remand for further proceedings.

Ligon's will nominating Sandra Pratt as the personal representative of the estate and naming Ligon's four children as equal beneficiaries was admitted into probate. The court appointed Sandra Pratt as personal representative, and she retained Douglas Goldberg to assist her.

Before passing away, Ligon incurred medical bills paid by Colorado's Medicaid program. Health Management Systems, Inc. (HMS), on behalf of the Colorado Department of Health Care Policy and Financing (Department), filed a claim against the estate pursuant to § 25.5-4-302, C.R.S. 2006, to recover these expenditures on Ligon's behalf. The Department's claim exceeded the value of the estate.

After receiving notice from Goldberg, Pamela Pratt applied to the Department for a waiver of its recovery of her portion of the estate. She stated that she was looking for work and living in a motel but would be forced to apply for public

assistance if she did not receive a waiver. The Department determined that she qualified for the waiver and notified HMS. HMS informed Goldberg that the Department has agreed to compromise as a result of this request.

> One fourth of the claim amount, the portion of the Dolores Ligon Estate that would pass to Pamela Pratt, will be waived . . . . Three fourths of the claim amount will be accepted as final settlement of the claim filed by Health Management Systems on behalf [of the Department].

Therefore, the Department reduced the recoverable amount from $62,315.98 to three-fourths of that amount, $46,736.99.

Sandra Pratt, with the assistance of counsel, paid the $46,736.99 to the Department and distributed the remainder of the $63,769 estate, after deducting attorney fees and administrative and funeral expenses totaling approximately $10,400, to the four designated beneficiaries in the amount of $1,630.27 each.

Pamela Pratt requested a hearing to challenge this distribution, arguing that the Department's waiver was intended to benefit her alone. At the hearing, the court disagreed, finding that by filing a waiver application, Pamela Pratt reduced the amount of money taken by the Department and augmented the recovery by all heirs. The court also stated, "[N]o one else is entitled to a waiver. You [Pamela Pratt] meet the criteria . . . and the state recognized that and reduced what [it] would take based on that status." However, the court found Pamela was paid the correct portion of the estate and approved the final settlement.

Pamela Pratt also requested that Sandra Pratt be personally responsible for a portion of the attorney fees. The court found that absent unusual circumstances, it would not inquire as to attorney fees and denied the request.

I. Distribution of Estate Proceeds

Pamela Pratt contends the trial court erred in approving the final settlement and distribution of the estate and dividing the estate equally among the four named beneficiaries, even though she was the only person granted a waiver by the Department. We agree.

We give statutes their plain and obvious meaning. Crowe v. Tull, 126 P.3d 196 (Colo. 2006). Our primary purpose in interpreting a statute is to discern the intent of the General Assembly. Gallegos v. Colo. Ground Water Comm'n, 147 P.3d 20, 28 (Colo. 2006). We must give consistent, harmonious, and sensible effect to the statutory scheme as a whole. Simpson v. Bijou Irrigation Co., 69 P.3d 50, 59 (Colo. 2003). A statutory interpretation that defeats the legislative intent or leads to an absurd result will not be followed. Hall v. Walter, 969 P.2d 224 (Colo. 1998).

A. Medicaid Estate Recovery

Federal law requires all states receiving Medicaid funds to establish programs to recoup certain expenditures from the estates of recipients of Medicaid funded care. 42 U.S.C. § 1396p; In re Estate of Schiola v. Colo. Dep't of Health Care Policy & Fin., 51 P.3d 1080 (Colo. App. 2002). Federal law also requires that states create procedures to waive the recovery of Medicaid funds if such recovery would work an undue hardship on any beneficiary of the estate. 42 U.S.C. § 1396p(b)(3); see West Virginia v. Thompson, ___ F.3d ___ (4th Cir. No. 03-1841, Jan. 19, 2007).

The Federal Health Care Financing Administration promulgated rules set out in § 3810 of the State Medicaid Manual (Manual) to provide guidance to states in applying the undue hardship waiver. See In re Estate of Schiola, supra. The Manual instructs the state: "You have flexibility in implementing an undue hardship provision," and "You may

also undertake partial recovery to avoid an undue hardship situation." Manual § 3810C.

The Colorado General Assembly has declared that "an estate recovery program would be a costefficient method of offsetting medical assistance costs in an equitable manner." Section 25.5-4-302(1), C.R.S. 2006 (formerly codified as § 26-4-403.3). The General Assembly authorized the Department to establish "an estate recovery program only insofar as such program is in accordance with [federal law]." Section 25.5-4-302(2)(c), C.R.S. 2006. Further, the Department is authorized to "compromise, settle, or waive any recovery of medical assistance . . . upon good cause shown." Section 25.5-4-302(4), C.R.S. 2006.

Pursuant to state statute, the Department has promulgated regulations providing that "good cause" exists if "without receipt of the proceeds of the estate, the heirs would become eligible for assistance payments and/or medical assistance programs." Dep't of Health Care Policy & Fin. Rule 8.063.18(A), 10 Code Colo. Regs. 2505-10.

B. Probate Code Classification of Claims

The Colorado Probate Code (Code) is intended to simplify and clarify probate law and to discover and make effective the intent of a decedent in the distribution of estate property. Section 15-10-102, C.R.S. 2006.

The Code provides for the classification of allowed claims against an estate and the order in which they must be paid. Section 15-12-805, C.R.S. 2006. Various expenses, including administrative, funeral, and burial costs, must be paid first by the personal representative of an estate. Section 15-12-805(1)(a)(f), C.R.S. 2006. Thereafter, the personal representative must pay "[t]he claim of the [Department] for the net amount of medical assistance, as defined in section 25.5-4-302(5), C.R.S., paid to or for the decedent." Section 15-12-805(1)(f.5), C.R.S. 2006. Section 25.5-4-302(5) requires that recovery of medical expenses by the

Department be subject to any limitations provided by federal law. Finally, the personal representative must pay "all other claims," including those of the residuary estate. Section 15-12-805(1)(g), C.R.S. 2006. The Code also provides that "[n]o preference shall be given in the payment of any claim over any other claim of the same class." Section 15-12-805(2), C.R.S. 2006. Taken together, these provisions require that the payment of claims within the same class must be effectuated consistently with the federal guidelines.

On the one hand, the Code requires that each member of a class be treated equally. Section 15-12-805(2). This provision supports the trial court's ruling that each of Ligon's named beneficiaries was entitled to the same share of the estate.

On the other hand, the waiver of recovery of Medicaid expenses should benefit only those individuals who qualify for and are granted a waiver to prevent financial burdens upon the state. In contrast, this provision suggests Pamela should be the only one to benefit from the Department's waiver.

Therefore, we must attempt to reconcile the apparently conflicting statutory and regulatory provisions. See Simpson v. Bijou Irrigation Co., supra.

Pursuant to federal guidance, the Department has flexibility in determining whether to grant undue hardship waivers. Manual § 3810C. Here, the Department determined that Pamela Pratt met the guidelines to receive a waiver and expressly waived the one-fourth of the claim amount "that would pass to Pamela Pratt." Notwithstanding the terms of this waiver, Pamela did not receive its full benefit.

Sandra Pratt paid the claims having priority and then paid the Department's claim, which was reduced as a result of the waiver. After payment of attorney fees, the remaining estate -- $6,521.08 was divided among the four beneficiaries, each receiving $1,630.27.

As a result of the distribution of the estate assets, the three siblings who did not seek a waiver received a portion of

the estate that they would not otherwise have received. In addition, Pamela Pratt, the only individual who qualified for the waiver, received a significantly reduced amount. This result is contrary to the intent of the hardship waiver statute and regulation. See § 25.5-4-302(4); Rule 8.063(18)(A).

We conclude the trial court's ruling is contrary to the stated public policy of waiving estate recovery for those heirs who may become a burden on the state if they are not allowed to receive a share of the estate proceeds. Although Medicaid estate recovery provisions reduce Medicaid costs and thereby state expenses, the waiver provisions recognize an exemption that also focuses on reducing state expenditures for those heirs who may become a public charge.

Here, the Department determined Pamela Pratt met the guidelines for a waiver and reduced the estate recovery claim so that she could recover her one-fourth portion of the estate. In addition, the court noted that only Pamela Pratt qualified for a waiver. However, instead of providing her the one-fourth portion, Sandra Pratt divided the estate among Pamela Pratt and her three siblings. This distribution is contrary to the public policy of keeping the waiver recipient from becoming a burden on the state.

Although the Code's purpose is to make effective the intent of a decedent and Ligon named four equal beneficiaries, the claims classification scheme imposes a requirement that the Department recover medical expenses prior to disbursing the remainder of the estate to pay "all other claims." In addition, the purpose of the undue hardship waiver is to prevent financial burdens on the state. By reducing the benefit to Pamela Pratt and providing a benefit to her siblings who had not sought a waiver, the trial court's final settlement frustrated that legislative purpose.

This result is also consistent with the requirement in § 15-12-805(2) that no preference be given in the payment of any claim over any other claim of the same class, because Pamela Pratt is not being accorded any preference. Any beneficiary receiving a waiver was entitled to take advantage

of it. To the contrary, the trial court's order gave an unfair preference to Pamela Pratt's siblings.

Therefore, we conclude Pamela Pratt was entitled to the estate proceeds that remained after payment of administrative costs and attorney fees, in the amount of $6,521.08. Because she did not raise the issue, we do not address whether she would be entitled to a larger amount if her share of the estate were based on subtracting legal and administrative expenses from the gross estate, and then setting aside her one-fourth interest, before payment to the Department.

II. Attorney Fees

Pamela Pratt contends the trial court erred in denying her motion to order Sandra Pratt to pay attorney fees. We disagree.

A personal representative is entitled to reimbursement from the estate for reasonable attorney fees incurred while defending or prosecuting any proceeding in good faith. Section 1512720(1), C.R.S. 2006; Moore v. Edwards, 111 P.3d 572 (Colo. App. 2005).

Here, Pamela Pratt claims that Sandra Pratt incurred additional attorney fees by pursuing Sandra's assertion that Pamela was not capable of managing significant funds received as a beneficiary of the estate. There is no evidence in the record to substantiate this claim. Furthermore, Pamela Pratt agrees that Goldberg acted in good faith and, in fact, has a right to attorney fees.

Therefore, Goldberg was entitled to his reasonable attorney fees from the estate, and the trial court did not err by denying Pamela Pratt's motion.

III. Conclusion

Accordingly, the final order of settlement is reversed as to the distributions to the three estate beneficiaries other

than Pamela Pratt. The case is remanded to the trial court to reopen the estate proceedings and to order those three estate beneficiaries to pay back the portion of the estate they received so that it may be redistributed to Pamela Pratt in accordance with the waiver granted by the Department. In all other respects, the trial court's order is affirmed.

JUDGE WEBB and JUDGE ROMÁN concur.

SWORN AFFIDAVIT OF B&M LEGAL TRANSCRIPTION, LLP dated January 17, 2006.

APPENDIX D

El Paso County, CO__District X County
Court address: P.O. Box 2989
20 East Vermijo Ave.
Colorado Springs, CO
80901-2980
Phone number: (719)448-7650

The Estate of:
DOLORES P. LIGON.

Attorney or Party without Attorney (Name and Address)	Court Use Only Case Number: 2004PR625 Appeal No. 2005CA2442 Division W

SWORN AFFIDAVIT OF B&M LEGAL TRANSCRIPTION, LLP

I, Nicole Magic, General Partner of B$M Legal Transcription, LLP hereby state as follows:

1) A transcript request was made by Ms. Pamela Pratt on December 19, 2005 requesting a transcript for two

hearings out of Division W, June 28, 2005 and September 2, 2005.

2) This request was assigned to B&M Legal Transcription on December 19, 2005.
3) Upon preparation of the transcripts, the sound on the cassette tape for the hearing on June 28, 2005 was not able to be heard very clearly. Either the microphones were not turned on or the parties were talking softly in the courtroom.
4) Due to the poor quality of the tape, B&M was not able to transcribe the hearing for June 28, 2005. Therefore, this hearing was not included in the Record on Appeal.

Done this 17th day of January, 2006.

/s/ Nicole Magic
Nicole Magic, General Partner
B&M Legal Transcription LLP

APPENDIX E

District Court, El Paso County, Colorado
105 E. Vermijo, Suite 120
Colorado Springs, CO 80903

In Re the Matter of the Estate of:
Dolores Ligon,
Deceased

Douglas G. Goldberg, Esq.
629 North Weber Street, Suite 1
Colorado Springs, CO 80903
Phone Number: (719) 444-0300
FAX (719) 444-0342
Attorney Reg. 015013

Case Number:

2004 PR 625

E-mail: doug@goldberglawcenter.com

ORDER FOR FINAL SETTLEMENT AND DISTRIBUTION

Upon CONSIDERATION of the Petition for Final Settlement and Distribution filed by the personal representative, the COURT FINDS and determines that the statements in the petition are true and correct; notice has been properly given or waived; the time for presenting claims which arose prior to the death of the decedent has expired; the decedent died testate; and the decedent's will was previously formally admitted to probate.

THE COURT FURTHER FINDS that:
Heirship has been previously determined;
Written objections to the proposed final settlement, if any, have been resolved.
All legitimate claims against the estate have been paid;
All of the assets have been distributed to the persons entitled and in the amount entitled;
Heirship has been previously determined; and
Receipts or evidence of distribution has been filed with this Court.

IT IS ORDERED that

1. The final settlement and accounting is approved;
2. The personal representative is released and discharged from all liability arising in connection with the performance of the personal representative's duties; and
3. The administration of this estate is terminated.

Dated: Oct. 7, 2005

BY THE COURT
/s/ Richard Schlegal
☐ ~~Judge~~ ☐ ~~Magistrate~~ ☐ Registrar

APPENDIX F

Colorado Revised Statutes 25.5-4-302 Recovery of assets

(1) The general assembly hereby finds, determines, and declares that the cost of providing medical assistance to qualified recipients throughout the state has increased significantly in recent years; that such increasing costs have created an increased burden on state revenues while reducing the amount of such revenues available for other state programs; that recovering some of the medical assistance from the estates of medical assistance recipients would be a viable mechanism for such recipients to share in the cost of such assistance; and that such an estate recovery program would be a cost-efficient method of offsetting medical assistance costs in an equitable manner. The general assembly also declares that in order to ensure that medicaid is available for low-income individuals reasonable restrictions consistent with federal law should be placed on the ability of persons to become eligible for Medicaid by means of making transfers of property without fair and valuable consideration.

(2) (a) Medical assistance paid on behalf of any individual who was fifty-five years of age or older when the individual received such assistance may be recovered by the state department from the estate of such individual in accordance with paragraph (c) of this subsection (2).

(b) Medical assistance paid on behalf of any individual who is institutionalized may be recovered by the state department from the estate of such individual in accordance with paragraph (c) of this subsection (2).

(c) The state department shall establish an estate recovery program only insofar as such program is in accordance with Title XIX of the federal "Social Security Act", 42 U.S.C. sec. 1396p, as amended, and shall not take any action to recover medical assistance when the amount of assistance to be recovered is economically inappropriate in relation to expenses of recovery.

(3) The state department is authorized to file liens against any property of an individual who is institutionalized and from whom the state department may recover medical assistance pursuant to paragraph (b) of subsection (2) of this section.

(4) The state department may compromise, settle, or waive any recovery of medical assistance authorized pursuant to subsection (2) of this section upon good cause shown.

(5) Subject to any limitation concerning estate recovery in Title XIX of the federal "Social Security Act", 42 U.S.C. sec. 1396p, as amended, the amount of any medical assistance paid pursuant to the provisions of this article and articles 5 and 6 of this title is a claim against the estate pursuant to the provisions of section 15-12-805 (1), C.R.S.

(6) The state board shall promulgate rules to implement the provisions of this section, including rules limiting the eligibility for medical assistance if the person made a voluntary assignment or transfer of property without fair and valuable consideration prior to applying for medical assistance. A contract for an exempt burial fund for an individual shall include a provision restricting the full amount to the cost of the burial and stating that any portion not expended for the burial costs shall be refunded to the state department by the mortuary as reimbursement for the cost of medical assistance provided to the individual. Said rules shall be in accordance with Title XIX of the federal "Social Security Act", 42 U.S.C. sec. 1396p, as amended.

(7) Effective upon the implementation of a private-public partnership program for financing long-term care pursuant to section 25.5-6-110, this section shall apply to participants of such program only after excluding from the amount that may otherwise be recovered from such person's estate an amount allowed by rules adopted by the state board in accordance with section 25.5-6-110.

APPENDIX G

STATE OF COLORADO

Department of Health Care Policy & Financing
1570 Grant Street
Denver, Colorado 80203-1818
(303) 866-2993
(303) 866- 4411 FAX
(303) 866-3883 TTY

[STATE OF COLORADO SEAL 1876]
Bill Owens, Governor
Karen Reinertson, Executive Director

February 28, 2005

Nancy Mack
Health Management Systems, Inc.
1776 Lincoln Street, Suite 800
Denver, Colorado 80203

RE: Estate of Delores Ligon

Dear Nancy Mack,

I am in receipt of the letter from Miss Pamela Pratt, daughter of Delores Ligon, and have reviewed her request that the Colorado Department of Health Care Policy and Financing compromise the amount of the Medical Assistance Estate Recovery Program claim. Health Management Systems, Inc. filed a claim against the Estate of Delores Ligon in the amount of $62,315.98. This amount represents the Medicaid expenditures paid on behalf of Delores Ligon.

The documents provided by Health Management Systems and Miss Pamela Pratt, associated with the request for compromise of the Medical Assistance Estate Recovery Program, show that Miss Pamela Pratt would meet the criteria for a waiver of her portion of the Delores Ligon

Estate, as set forth in the Last Will and Testament of Delores Ligon.

If you have any questions please feel free to contact me at (303) 866-5406.

Sincerely,

/s/ Mark Seevers

Mark Seevers
Office of Medical Assistance
Benefits Coordination Section

"The mission of the Department of Health Care Policy & Financing is to purchase cost effective health care for qualified, low-income Coloradans."

http://www.chcpf.state.com.us

APPENDIX H

HEALTH MANAGEMENT SYSTEMS COPY

Douglas Goldberg, Esq.
629 North Weber Street, Suite 2
Colorado Springs, Colorado 80909

Re: Estate of Dolores Ligon
Medicaid ID: S994789

Dear Mr. Goldberg:

The waiver/compromise request submitted by Ms. Pamela Pratt has been reviewed by Mark Seevers of the HCPF. HCPF has agreed to a compromise as a result of this request. One fourth of the claim amount, the portion of the Dolores

Ligon Estate that would pass to Pamela Pratt will be waived. A copy of this decision is enclosed.

Three fourths of the claim amount will be accepted as final settlement of the claim filed by Health Management Systems on behalf of the HCPF.

In the event that there are not enough assets to pay the three fourths of the claim amount in full, ($46,736.99) please provide this office with the details as to the assets and expenses/claims of this case. Upon successful review of the documentation of assets and priority claim and expenses our claim will be reduced to three fourths of the net assets in the estate.

Please do not hesitate to contact me if you have any questions. Thank you for your attention to this matter.

Sincerely,

s/s Nancy Mack
Nancy Mack
Paralegal
Estate Recovery Program

1776 Lincoln Street, Suite 800, Denver, Colorado 80203
303.837.8293 tel 303.861.1028 fax www.hmsy.com

APPENDIX I

EVENT COMMENTS
7/19/07 10:14 AM
District Court, El Paso County
Case#: 2004PR000625 Div/Room: Type: Testate Formal
In the Matter of: LIGON, DOLORES

EFILED Document
CO El Paso County District Court 4th JD
Status: ROPN Filing Date: Jul 25 2007 10:35 AM MDT
Filing ID: 15705450

Review Clerk: Jennifer Roberts

Record Type: EVT Minute Order (print)
Judge Initials: BLH Clerk Initials: Reporter Initials:

COMES ON: HRG CT APPEALS REMAND

PRESENT: PAMELA PRATT. NO OTHER PARTIES APPEARING. PER REMAND COURT ORDERS DISGOREMENT OF FUNDS GIVEN TO OTHER BENEFICIARIES IN AMOUNT OF $1630.27 EACH. CT ORDERS FUNDS PAID TO PAMELA PRATT WITHIN 30 DAYS OF THIS ORDER. CT SHALL CONDUCT INTERNAL REVIEW 30 DAYS FROM THIS DATE. BLH /JMR

APPENDIX J

August 24, 2007

Ms. Louise Smith
Attorney Regulation Council
1560 Broadway Suite 1800
Denver, CO 80202

Dear Ms. Smith, In Re 07-2673

Carla called today requesting that I mail you a copy of the Court of Appeals mandate dated June 14, 2007 which you can find online from the Colorado judicial website at http://www.courts.state.co.us/coa/coaindex.htm by putting "Pamela Pratt" into their search engine.

I came back to Colorado to collect a Medicaid Hardship Waiver that was granted by the State of Colorado, and my circumstances have not changed since I first applied, although I lost my Washington State residency waiting for probate court, and am now driving with Colorado plates and a Colorado drivers' license. The prospect of having to apply for Welfare in the State of Colorado is daunting, and I would prefer to continue to work, which that Hardship award will make possible, since I'm driving a rickety car and have only what fit into that car when I drove out here. My boss has been very understanding, and is willing to keep me employed until the Court is satisfied, but it's a low-paying job. Unfortunately, I can't get a better job until I find a better place to live. Thank you for your help.

I appealed the El Paso County magistrate's final decision to the Court of Appeals and was affirmed in part, reversed in part and remanded with instructions. The Court of Appeals upheld the magistrate's awarding of my sister's attorney fees out of my hardship waiver, leaving me with a $4890 award, which is not the $15,000 which could have gotten me a dependable car, but will help get me back on my feet.

When the magistrate failed to respond to the Court of Appeals mandate ordering my sister to give me that money, I was forced to appeal to the Colorado Supreme Court, and they denied my certiorari, but upheld the $4890 and re-issued the mandate dated June 14, 2007.

The response from Magistrate Hughes was to order another hearing on July 19, 2007, and the Court Minutes reflect what she told me, that my sister would be ordered to pay me within thirty days.

I did not hear from the Court within thirty days, and when I called this week, the secretary said there was a note saying that the Magistrate was planning to review again whether or not she was willing to sign that Order.

The first hearing I attended with the Magistrate was undecipherable by a court transcriptionist, but I remember what was said clearly. My sister accused me of "causing trouble for the family," and the Magistrate "empathized" with her, admitting that she had personal experience with family troublemakers.

In Adult Children Anonymous, we find out that dysfunctional families usually shun those who attempt to escape into Recovery, and this has been my case. I am the only sober member of my family, and they have shut me out since I first joined AA at age 19. The Magistrate asked me to leave the room during that first hearing, and after 15 minutes talking with my sister and her lawyer, I was invited back into the hearing.

I don't know what my sister said about me, but I swear it's not true. My sister was told some stories by our step-mother which have no basis in fact, which is predictable dysfunctional family behavior. My responsibility now is to recover from the effects of growing up in such an environment, and to carry the message to others who still suffer, which writing these court papers has been a part.

When I first encountered resistance from Magistrate Hughes, I called your office and was assigned case No. 05-2941, but

you called me back declining to pursue the matter. Please know that the problem is still present, and it was for a good reason that I called you in the first place. Those of us in Recovery have a long row to hoe, but we do it willingly, and I need your help in compelling the Magistrate to follow the Court of Appeals order.

Again, please know that I am a deserving person in financial trouble because my significant other is suffering from alcoholism, for which I attend Al-Anon meetings. He said that if I didn't leave his house, I would suffer, and so I agreed to leave. Actually, the eviction note he wrote was legal in the State of Washington, and I attached it to my application for that Hardship Waiver. My belongings are still in storage in Seattle for $112/month, and when I get that hardship money, I will be able to drive back to Seattle to empty my storage area. I don't know where I'll go from there, since I haven't found a place to live here in Colorado, but at least I'll have some choices.

It's been a pleasure to work with the AA/Al-Anon/ACA community here in Colorado. This state is a few years behind the curve, and it's been a good experience to be able to help educate some people about the efficacy of our Program. Being a 20-year veteran of AA, it's an eye-opener to have been exposed to some of the prejudice which existed in Seattle 20 years ago. In Seattle, we're the good guys. . . .

Soberly Yours,
/s/ Pamela J. Pratt

Pamela J. Pratt
P.O. Box 333
Victor, CO 80860-0333
(719) 689-2784 work

APPENDIX K

Pam Pratt's Probate Question – where did Rita Ligon's trust money go? Rita's two children were Margaret "Maggie" Mitguard (dec) and Gilbert "Gib" Ligon

Rita died Sept. 21, 1976, owner of Pinestone Ranch, 1600 acres on the south end of Woodland Park, inherited from her father.

Gib died on Feb. 3, 1979 of a heart attack in the driveway of Pinestone Ranch.

Rita's will was 07042 admitted to formal probate on Oct. 27, 1976, naming the First National Bank as Personal Representative. ?? I believe she named Gib and Maggie as her heirs.

Gib's will 79PR132 appointed the First National Bank of Colorado Springs as Personal Representative, signed by Karl R. Ross as a witness on January 7, 1977, giving half his estate to my mother, Dolores Ligon.

March 1, 1979, the First National Bank sold 900 acres of Pinestone Ranch to Michael Burgamy for $278,000 (R0011005).

June 6, 1978, the First National Bank sold the land under my horse's paddock (about 48 acres) to Will Stackhouse for $85, 000 (R0010985).

April 15, 1981, the First National Bank sold more of Pinestone Ranch to Will Stackhouse, who sold it to Wal-Mart for over $3,000,000.

My mother's 1983 will 04PR625 (sometimes 04PR635) went to probate naming my sister Sandy as Executor. She hired

Mr. Doug Goldberg, who asked the court about admitting my mother's 1971 filed will which appointed Wells Fargo Bank -- successor to the Colorado Commercial Bank named in my mom's will as "the Trustee named in my said husband's Will" – but Mr. Goldberg said that admitting the 1971 will would "add additional unnecessary cost and expense to the administration of the estate to the detriment of the claimants against the estate." I protested in letters to the attorney, and then to the Court, but my sister prevailed.

My mother and Karl Ross hated each other (and still do). He is still in practice and I have his home address. Mr. Ross said that if Gib had lived for 3 more months, he (Mr. Ross) would have "divorced my mother by interlocutory decree." My mother told me that Mr. Ross made her sign papers giving her only a widow's pension in order for us kids to inherit from the trust named in her 1971 will. When Rita died, my mother showed me a big folder from Rita's will which listed her assets from the mineral leases (Texas oil well leases) as over $10,000,000 and Gib's as over $1,000,000. My siblings are not interested in this money, and we are estranged.

My sister's Inventory lists "Working interest in TJ Moss and other mineral lease, Archer County, Texas" as having "No FMV" under REAL ESTATE. Those oil leases came from Rita's father, and were administered through the Colorado Commercial Bank (now Wells Fargo).

My sister's attorney called Wells Fargo and Karl Ross on 8/12/04 and charged my sister for letters of renunciation. I am currently challenging the money she took out of my due claim to pay her attorney, Doug Goldberg, and I must file my appeal by the 9th of September, 2007.

Those charges referencing and describing the letters of renunciation from Wells Fargo are copied into the Certified Trial Court Record.

QUESTION: How do I trace the money disbursed from Rita and Gib's will?

Pamela J. Pratt, General Delivery
301 Victor Ave. #2B(3), Victor, CO 80860
(206) 715-5753 cell, (719) 689-2784 work
APPENDIX L

Dear El Paso County Court, May 24, 2005

An attorney just told me to write this letter to Your Honor making a claim against the Estate of Dolores Ligon, represented by Douglas Goldberg at 629 N. Weber St. because my sister the executor has refused to help me. She does not like my 18 years of sobriety in Alcoholics Anonymous because she thinks I am a bad person who deserves to suffer.

I have never been in trouble with the law, have always worked hard every day and volunteer daily in community service. My sister has no right to protect her own right to drink by making me suffer, so please call me on my cell phone at (206) 715-5753 if Your Honor can help make my sister distribute the funds the State of Colorado so graciously made available to end my temporary Al-Anon vacation (homelessness).

I am sleeping in my car, having just arrived yesterday from Seattle, and am eating at the Catholic Community Center because I only have $7 and gas money to get back to Seattle if Your Honor can't help me.

Please accept this letter delivered in person today, with a copy of my two letters from the State and my resume attached.

Soberly Yours,

/s/ Pamela J. Pratt

Pamela J. Pratt
General Delivery
Victor, CO 80860
(206) 715-5753 cell
(206) 689-2784 work

[handwritten: P.S. I have been told to find a probate attorney because the filed will has more assets which my sister denies, but my mom told me were available from a trust held by Wells Fargo Bank.

The Bank declined appointment as the executor, and my sister asked the lawyer not to open the will brought up by the Court.

Legal Services declined to help me, so I'm fishing for an attorney. Please wish me luck!]

FILED
DEC 20 2007
OFFICE OF THE CLERK
SUPREME COURT, U.S.

(2)

No. 07-347

IN THE

Supreme Court of the United States

Pamela Pratt, *Pro Se*
Petitioner

v.

Sandra Pratt, Executor, Estate of
Dolores Ligon, 04PR 625,
Respondent

On Petition for A Writ of Certiorari
To The Supreme Court of the State of Colorado

PETITION FOR REHEARING

Miss Pamela J. Pratt, ***pro se***
(no mail delivery service)
P.O. Box 333
Victor, CO 80860-0333
(719) 689-2784 work

QUESTION FOR REHEARING

1) $10,400 buys a lot of bandages, so Medicaid Hardship waiver money should not be used to pay for attorney fees. All the lawyers in the Yellow Pages said my Medicaid Hardship waiver would not cover their costs, so I am still forced to represent myself. If I were to receive a refund for that $10,400 today, I would use it to hire an attorney to enforce my wages due. The Probate court took my money but did not call me with the copy of the Will I requested. The receipt is copied into Appendix A.

LIST OF PARTIES

(1) My sister Sandra Pratt is the executor of my mom's estate, which went to pay her outstanding Medicaid bill. When the State seizes an estate in order to pay Medicaid, theyl must also send a letter to heirs who may qualify for a hardship waiver. The Supreme Court of Colorado denied by petition to have the State of Colorado return my sister's lawyer fees taken out of my Medicaid hardship waiver instead having the attorney paid out of the original estate. The Court of Appeals fixed half the problem, but the Colorado Supreme Court denied my demand to correct the lawyers' fee. The U.S. Supreme Court denied my petition for a writ of certiorari November 26, 2007. The Clerk returned my Rehearing Petition for a word count certificate and a font correction.

(2) The trial court (Probate) took my $15 four (4) months ago, but has not called me back.

(3) If you need an attorney in the State of Colorado, you'd better have more money than I have. I understand that the U.S. Supreme Court has jurisdiction over the State of Colorado regarding lawyer's fees, especially in light of the intervening circumstances of a substantial or controlling effect not previously presented, which is the lack of response from the trial court in Appendix A. If I receive that $10,400 as the result of this Petition For Rehearing, I would like to hire an attorney, since I received an email from my boss's ex-wife. The point is that the State of Colorado has not stepped up to the plate, but the good news is that there is now an Al-Anon meeting in Victor!

STATEMENT/ARGUMENT FOR REHEARING

The following is what we suffer from in Colorado because of untoward lawyers' fees:

> RE: Hello again from Pam at the Red Shed
> Standard HeaderFull Message View
> Sulyn Wallace
> <Sulyn@coloradolawyers.net>
> ViewMonday, December 17, 2007 2:55:30 PM
> To:Pamela Pratt
> <prattpamela@yahoo.com>
>
> Pam,
>
> This need not really be a mess if persons involved stand by their committments. [sic] Although I drafted the Separation Agreement for Mike so he would not have to spend money or time to have it done by someone else, Mike revised it three times and everything he wanted was incorporated into the Agreement. The court has no mercy in these situations for persons who misrepresent themselves financially and make false promises. I have been doing divorce work for almost 20 years, so I do know a bit about how the divorce courts work in Colorado. His financial situation is the same as when he signed the Separation Agreement and the Court will expect him to stand by his

promises to me financially, which he has not done.

Mike stated to me that he wanted to live alone and on the edge, in order to experience all the surprises that life had yet to offer him. He is not living alone and has not lived alone since he left me last March. He had you firmly in place as a partner before he ever announced leaving the marriage. Did he not realize that I was seeing this then? He is, however, living on the edge and experiencing the surprises that he wanted badly enough to leave me. I am in support of him getting his new life and all the adventure that he said he wanted that goes along with it. If he has changed his mind about living on the edge with surpirises, [sic] it is too late, and a court magistrate will tell him so. Lucky for him that God sent you to help him. He told me when he left our marriage that he no longer wanted a relationship that involved assistance from anyone, accountability, responsibility or any financial entanglements. He wanted to be free to run like an animal in the woods, he said. So, I question whether you are doing him any favors by taking care of him, counseling him about his financial affairs, cleaning his houses, providing labor on the Red Shed, etc. - this is not what he really wants, and he will resent you in the end.

There will be no profit from the Stover house because Mike had an $88,000 lien placed on the house by Stillwater Financial so that he could borrow more money from Stillwater for the Spicer house. Stillwater will take the profits. The credit card debt was to be paid off with the Spicer profits. Now you tell me that that will not be likely, since he has promised you the Spicer profits and that it may let it go into forclosure. [sic] How will you get paid your back wages? He has misrepresented payment to you for your labor. He told me and others that you had agreed to provide your labor in exchange for a place to live, expecting no money from him. So it is apparent that your labor will be reimbursed by the pleasure you receive from being his personal maid, nurse and laborer - enjoy.

I know not about 225 Sixth Avenue issues. I signed nothing regarding the Lowell Thomas House, so this arrangement with me being on the title to the house must have taken place between Mike and Noel. If you and I own the Red Shed/Lowell Thomas together now, then we will need to work with the issues at the time it sells.

The divorce is over. I am out of Mike's life, as he wanted, and with the settlement that he desired and requested at the time. I do not wish to

communicate with you further as his advocate. I am disgusted that he has resorted to using you as his voice. You obviously enjoy being his caretaker and he enjoys having you do so. You both deserve, in sobriety of course, all the happiness that your lives in Victor can bring to you. I wish you both only the best. I am done with this mess. He wanted to be alone and have a new life, and I granted him that according to his terms of settlement, with nothing but goodwill. Now it is my turn to structure my new life and to do so without being harrassed [sic] by him or by you. Is his vertigo so bad that he needs you to do his bidding with me in addition to being his personal maid, counselor, legal advisor, cook and toilet washer? Can he no longer speak for himself? He is receiving what he asked for in his new life adventure. We must all be careful what we ask for in life. You may wish to re-think what you have signed on for in your new life with Mike Wallace, unless of course you are receiving the joy and fullfillment [sic] you desire with him. Be sure to relay my best wishes for the holidays to Mike since he is unavailable for me to communicate with him directly. Love in Sobriety, Su

Hello from Pam at the Red Shed
Standard HeaderFull Message View
Pamela Pratt <prattpamela@yahoo.com>

ViewThursday, December 13, 2007
11:25:26 AM
To:Sue Wallace
<sulyn@coloradolawyers.net>

Dear Sue,

I'd like to set your mind at rest about the Quit-claim deeds filed recently. I have worked for Mike for the past 5 months without pay, since he needed help making the Red Shed habitable and I really like this kind of work.

There is no water/sewer hookup, no electrical hookup, and the rest of the Red Shed is barely salvage. Noel and Mike were using it as a storage shed. However, since the Stover house and the Spicer house have not sold, Mike is trying to fix the Red Shed enough to live in, and I've been helping him because I'm able to do it. It will be his only asset, and will be quite primitive.

Mike has bouts of vertigo which puts him in bed for days. I've driven him to the doctor twice, and they cannot help him. Mike likes to think he's young, but his years have caught up with him. I'm trying to teach him to take care of himself, but find myself acting as his nurse pretty often.

Since your divorce, I've hoped this relationship will not cause you grief,

since Mike really needs the help -- and I really need the job.

So the deal is that I have my name on the Red Shed in exchange for wages due, and that if Spicer sells for a profit, he can pay me. If not, I have the right to free rent until I find another job or until he no longer needs me.

Sorry for the confusion about the properties. We had to put my name on both of them in order to get my name on the Red Shed. The Teller Clerk's office wrote me a letter stating that fact. I am a working person and cannot work for free, and I hope you understand this. Because the lady across the street (where Noel ate Thanksgiving dinner) wants to buy the Lowell Thomas house, Lorna said that we needed to divide the properties. Annie Kennedy has the same mortgage company as Noel -- Washington Mutual -- and so the sale should go easily.

In order to separate the properties, Mike needed Noel's signature on the survey -- and it was Noel's suggestion that the properties be quit-claimed to make the division possible, so he didn't have to come back up here to sign again for that. Noel is working these days, as you know. Mike and Noel said that they trust me -- I have worked for Mike every day for over two years. I thought you trusted me too, after I worked on your Stover house for a

week when you were there.

As soon as the properties are divided, Noel will be the owner of the Lowell Thomas house again until Annie and he close the sale, and I will be the owner of the Red Shed until I make other plans with Mike. Those documents are already filed making Noel the owner of the Lowell Thomas house again, although they won't show up that way until the properties are divided. That's what the letter from the Clerk's office told me. I can send you a copy if you want. The Red Shed is 15R 31VICTOR ORIGINAL, and the Lowell Thomas house is 12R 31 VICTOR ORIGINAL. Honestly, I'm just here to help.

So I'm sorry about the confusion, and hope that you will be able to help with the sale of the Lowell Thomas house by taking your name off that property. It was an honest mistake not to know your name was on it before -- we only found out when we went to file the deed. Please feel free to ask me any questions at all, but know that Mike is worried about all this and wishes that I didn't write to you, so please keep this email confidential between us. Love in Sobriety, Pam Pratt

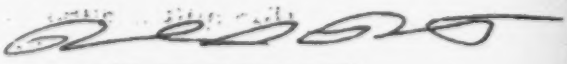
CONCLUSION

So I'm still in the same situation as when that Medicaid hardship estate waiver was granted, and the burden is on me to continue to respond, and Your Honors are the end of this road. The trial court has not responded to their duty (Appendix A), and Your office has the authority to correct the lawyers' fees problem in the State of Colorado if Colorado courts are not willing to do it themselves. The trial court magistrate stated this fact in the Certified Record copied into my brief, and Medicaid money should not go to pay lawyers since $10,400 in attorneys fees buys a lot of bandages.

CERTIFICATE OF GOOD FAITH

I, Pamela Pratt, swear that that this Petition for Rehearing is restricted to intervening circumstances of a substantial or controlling effect not previously presented and that it is presented in good faith and not for delay. I also swear that the contents herein are true to the best of my knowledge.

Soberly Yours,



DATE: January 4, 2008

Pamela J. Pratt
P.O. Box 333
(no mail service delivery here)
Victor, CO 80860
(719) 689-2784 work

APPENDIX A

Transaction:
8/29/2007 2:46 PM DLH TL042201
District Court, El Paso County
PO Box 2980
270 S. Tejon
Colorado Springs, CO 80901
719-448-7599
Payor: PAMELA PRATT
Case #: 2007CV-009008
ADMINISTRATIVE CASE,
VS
EL PASO COMBINED COURT
RCP # 200/CV-009008-0271

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Description	Amount
Search of Records (Off Site)	15.00

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Receipt Total $15.00
Amount Tendered $15.00
Change Due . . . . . $.00
Payment Type . . . . . CASH
Account Receivable Due $0.00

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retrieve file from archives n/o Rita Ligon